IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1116 OF 2006

Shri Faisal Mohmad Farooqi ...Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. N.P. Deshpande for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 18th March, 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with C.R. No. 441 of 2004 registered with Mahatma Phule Chowk Police Station on 12/12/2005 for the offence punishable under sections 420, 406, 409, 468, 471 and 201 read with section 34 of the Indian Penal Code.

3. A complaint was filed in which it was alleged that there was a huge racket of filing false insurance claims and such claims were being sanctioned in connivance with the employees of the National

Insurance Corporation and, as a result, there was a loss to public exchequer. Pursuant to the said complaint, the General Manager and other officers of the said National Insurance Corporation were arrested. It is alleged against the present applicant that in a short span he had filed insurance claim in respect of his car and got the insurance claim sanctioned and three cheques to the tune of Rs 75,000/-, 76,000/- and 86,000/- were received by him. The material on record indicates that though there was no accident, a false claim was filed and the same was sanctioned by the employees of the National Insurance Corporation. The Sessions Court rejected the application for anticipatory bail.

4. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant has been attending the Police Station regularly and the remand application filed by the Police indicates that the custody of the applicant was required only for the purpose of securing his specimen signature. He submitted that, so far, the applicant has attended the Police Station regularly and, therefore, the custodial interrogation of the applicant is not required. He submitted that there was no question of the applicant filing any other application since he was the owner of

one car and, therefore, no useful purpose would be served by arresting the applicant and putting him behind the bars for couple of days.

5. It is not possible to accept the said submissions. The Sessions Court has given cogent reasons while rejecting the application. The Sessions Court has rightly held that the material on record reveals that this was not a work of single person but of number of persons working together to deprive the public at large of their hard earned money.

5. In my view, the nature of offence is such that the investigation is possible only when the applicant is taken into custody since it is still to be discovered as to howmany cases are there in which the accused is involved. This Court has already rejected the application for anticipatory bail filed by the General Manager. In my view, therefore, there is no merit in the submissions made by the learned Counsel appearing on behalf of the applicant. The application for anticipatory bail is rejected.

6. Application is accordingly disposed of.

V.M. KANADE, J.